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PTO/SB/103 (8-95)  
Approved for use through 9/30/98. OMB 6651-0032  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

## Declaration and Power of Attorney for Patent Application

## Erklärung für Patentanmeldungen mit Vollmacht

## German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

dass mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, dass ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel beantragt wird:

ANORDNUNG AUS EINER  
ZERIKALPROTHESE UND  
EINSETZINSTRUMENT

deren Beschreibung hier beigefügt ist, es sei denn (in diesem Falle zutreffendes bitte ankreuzen), diese Erfindung

wurde angemeldet am July 15, 2003  
unter der US-Anmeldenummer oder unter der  
Internationalen Anmeldenummer im Rahmen des  
Vertrags über die Zusammenarbeit auf dem Gebiet  
des Patentwesens (PCT)  
10/619,179 und am  
\_\_\_\_\_ abgeänderten (falls  
zutreffend)

Ich bestätige hiermit, dass ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated next to my name

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ARRANGEMENT OF A CERVICAL PROSTHESIS  
AND INSERTION INSTRUMENT

the specification of which is attached hereto unless the following box is checked:

was filed on July 15, 2003  
as United States Application Number or  
PCT International Application Number  
10/619,179 and was amended on  
\_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

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Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Titel 35, US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandserkundungen für Patente oder Erfinderurkunden, oder § 365(a) aller PCT internationale Anmeldungen, welche wenigstens ein Land außer den Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patente bzw. Erfinderurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priority beansprucht wird, vorangeht.

I hereby claim foreign priority under Title 35, United States Code Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365 (a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent, or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)  
(Frühere ausländische Anmeldungen)

Priority Not Claimed  
Priorität nicht beansprucht

(Number)  
(Nummer)

(Country)  
(Land)

(Day/Month/Year Filed)  
(Tag/Monat/Jahr der Anmeldung)

(Number)  
(Nummer)

(Country)  
(Land)

(Day/Month/Year Filed)  
(Tag/Monat/Jahr der Anmeldung)

(Application No.)  
(Aktenzeichen)

(Filing Date)  
(Anmeldetag)

(Application No.)  
(Aktenzeichen)

(Filing Date)  
(Anmeldetag)

Ich beanspruche hiermit die mir unter Titel 35, US-Code, § 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationale Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationale Anmeldung in einem genügend frühen Absatz von Titel 35, US-Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenlegung jeglicher Informationen zu die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Bekannt und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) gültigen internationalem Anmeldetag bekannt geworden sind.

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application No.)  
(Aktenzeichen)

(Filing Date)  
(Anmeldetag)

(Status) (patented, pending, abandoned)  
(Status) (patentiert, schwierig, aufgegeben)

(Application No.)  
(Aktenzeichen)

(Filing Date)  
(Anmeldetag)

(Status) (patented, pending, abandoned)  
(Status) (patentiert, schwierig, aufgegeben)

Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben (auch bestens) Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angabe oder dergleichen gemäß § 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes gefährden können.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

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**VERTRIEBUNGSVOLMACHTE** Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt. *(Name(n) und  
Registrierungsnummer(n) auflistete)*

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: *(list name and registration number)*.

Barry E. Bretschneider, 28,055

Postanschrift:

MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102

Barry E. Bretschneider, 28,055

Send Correspondence to:

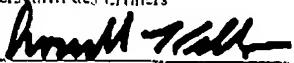
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Barry E. Bretschneider, (703) 760-7743  
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Vor- und Zuname des einzigen oder ersten Erfinders <b>Arnold KELLER</b>	Full name of sole or first inventor <b>Arnold KELLER</b>
Unterschrift des Erfinders 	Datum <b>04-01-16</b>
Unterschrift des zweiten Erfinders 	Date <b>04-01-16</b>
Wohnsitz Kayhude, Germany	Residence Kayhude, Germany
Staatsangehörigkeit GERMAN	Citizenship GERMAN
Postanschrift An der Naherfurth 5 23863 Kayhude Germany	Post Office Address An der Naherfurth 5 23863 Kayhude Germany
Vor- und Zuname des zweiten Miterfinders (falls zutreffend)	
Unterschrift des zweiten Erfinders	Full name of second joint inventor, if any
Datum	
Wohnsitz	Residence
Staatsangehörigkeit	Citizenship
Postanschrift	Post Office Address

(Im Falle dritter und weiterer Miterfinders sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)

(Supply similar information and signature for third and subsequent joint inventors.)

RECORDATION FORM COVER SHEET  
PATENTS ONLYPatent and Trademark Office  
Docket No. 2464720005100

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Arnold KELLER		2. Name and address of receiving party(ies): Cervitech, Inc. 300 Roundhill Road Rockaway, New Jersey 07866
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: January 16, 2004		
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No.(s) 10/619,179 Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed:  Barry E. Bretschneider Morrison & Foerster LLP 1650 Tysons Boulevard Suite 300 McLean, Virginia 22102		6. Total number of applications and patents involved: 1  7. Total fee (37 C.F.R. § 3.41): \$40.00  <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account, referencing Attorney Docket 246472004400  8. Deposit account number: <u>03-1952</u>

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 that may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952.

## DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Name: Barry E. Bretschneider  
Registration No: 28,055

Signature

January 26, 2004  
Date

Total number of pages comprising cover sheet, attachments and document: 2

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

**MORRISON & FOERSTER LLP**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby assign(s), transfer(s) and set(s) over to:

**Cervitech, Inc.**

300 Roundhill Road  
Rockaway, New Jersey 07866

(hereinafter designated as the "ASSIGNEE"), its successors and assigns, the entire right, title, and interest for the United States in the invention, and all applications for patent and any Letters Patent which may be granted therefor, including said application, and all United States Letters Patent which may be granted thereof, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of said Letters Patent when granted to be held by said ASSIGNEE, its successors, assigns or their legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been and enjoyed by Assignor(s) if this assignment had not been made, the application being known by the title:

**ARRANGEMENT OF A CERVICAL PROSTHESIS  
AND INSERTION INSTRUMENT**

Attorney Docket No.: 24647-20051.00

for which the undersigned has/have executed an application for patent in the United States of America on the same day herewith. Where this instrument is not filed concurrently with the application, the following identifying information may be added after execution:

Serial No.: 10/619,179

Filing Date: July 15, 2003

1. The undersigned hereby agree(s) to sign and execute any further documents and instruments which may be necessary, lawful and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, reexamination or reissue application or in any amendments, extension of interference proceedings, or otherwise to secure the title thereto to the ASSIGNEE.

7. The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

3. The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the ASSIGNEE.

4. The undersigned hereby authorize(s) and request(s) the Commissioner of Patents in the United States to issue any and all Letters Patent resulting from said application or any division or divisions or continuing applications thereof to the said ASSIGNEE.

5. The undersigned hereby grant(s) to the firm of Morrison & Foerster LLP the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREBY, executed by the undersigned on the date(s) opposite the undersigned name(s).

04 - 01 - 16

Date



Typed Name: Arnold KELLER

Date

Typed Name:

Date

Typed Name:

Date

Typed Name: